

## **TOWN OF TREMONT PERSONNEL POLICY**

### **ARTICLE I-PREAMBLE**

- A. The Board of Selectmen hereby adopts the following policy for utilization by the Town of Tremont in the administration of the personnel activities of the employees of the Town of Tremont.
- B. The Town may delete, amend, modify or change any or all of the provisions contained in this policy without prior notice. The provisions set forth are not contractual, but rather for the general guidance of the town in its relationship with its employees.

### **ARTICLE II-EMPLOYMENT**

- A. The employment of all personnel will be the responsibility of the Board of Selectmen and Town Manager.
- B. All applicants must submit a written application for employment.
- C. All employees are considered probationary for the first six (6) months of employment. The probationary period will be considered an extension of the selection process. Probationary employees may be removed at any time during the probationary period without right to file grievances.
- D. Each employee will receive a copy of the Tremont Personnel Policy during their employee orientation. Every employee will be required to become familiar and understand the Tremont Personnel Policy. Employees will be provided with amendments as they are adopted. Employees who need clarification of any part of the Personnel Policy shall direct their questions to the Town Manager. All employees will be required to sign an acknowledgement of the receipt of the policy which will be placed in their personnel file.

### **ARTICLE III-EQUAL OPPORTUNITY EMPLOYER**

The Policy of the Town of Tremont is to provide equal opportunity to all employees and applicants without regard to religion, age, sex, marital status, race, color, ancestry, national origin, physical or mental disability, except as a bona fide occupational qualification.

### **ARTICLE IV-TYPES OF APPOINTMENTS**

The following types of appointments may be made to the Town's service in conformity with the rules established:

- A. **FULL-TIME** A full time employee works a minimum forty (40) hours per week on a continuing basis (indefinite). He/She is subject to all personnel rules and regulations and receives all benefits and rights as provided by the rules.
- B. **TEMPORARY EMPLOYEE** Temporary employees work on a non-permanent basis, usually within a limited time frame and on a short term basis. They are not entitled to benefits such health insurance, accrual of sick and vacation time, holiday pay, seniority and may be terminated for any reason at any time.
- C. **PART-TIME** An employee in this classification works less than the normal forty (40) hour work week, but on a continuing basis (indefinite). Part time employees are not entitled to benefits such as health insurance, accrual of sick and vacation time, holiday pay, seniority and may be terminated for any reason at any time.
- D. **PROBATIONARY EMPLOYEE** New, rehired, or promoted employees who serve a prescribed period of close supervision and evaluation in order to assess their ability and adaptation. Probationary employees may be terminated at any time during the probationary period without advance notice and without the right to file grievances.

#### **ARTICLE V-PUBLIC AND EMPLOYEE RELATIONS**

- A. Town employee must avoid any action which might result in or create the impression of using public employment for private gain, giving preferential treatment to any persons, or losing complete impartiality in conducting Town business.
- B. Cooperation of all employees is essential to efficiency. The taxpayers are entitled to the best service that can be given. Professionalism, cooperation, courtesy and responsibility are the key elements of good service.
- C. These policies and regulations are provided to assist the employees and Town administration in functioning at peak efficiency with minimal cost to the taxpayers.
  - 1. **RECEIPT OF GIFTS** A town employee is prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loans, or any other item of monetary value from any person, within or outside Town employment, whose interests may be effected by the employees performance or nonperformance of his/her official duties. Acceptance of nominal gifts, such as food and refreshments in ordinary course of business meetings, or unsolicited advertising or promotional materials such as pens, note pads, calendars, etc., is permitted.
  - 2. **CONFIDENTIALITY** Many Town employees have access to confidential information pertaining to persons or property in the Town. Employees must not

use this privileged information to their private advantage or to provide friends or acquaintances with private advantages. Each employee is charged with the responsibility of releasing only information which is required under the "Right to Know Law," 1 MRSA Section 401-410.

**3. EMPLOYEE APPEARANCE** Employees shall dress appropriately for their position and maintain reasonable neatness and cleanliness in order to present a professional image to customers, visitors, coworkers, and the public. Acceptable personal appearance is important in providing the taxpayers with the service they deserve. Employees should consult the Town Manager if they have questions as to what constitutes proper attire exceptions may be granted to employees to accommodate religious or cultural factors or medical conditions. Employees who are inappropriately dressed may be sent home and required to return to work in acceptable attire. Under this circumstance, employees will not be paid for the time away from work.

- a. Office workers who have regular contact with the public must comply with the following personal appearance standards:
  - (1.) Office employees are expected to dress in a manner that is normally acceptable in similar offices which includes but is not limited to: not wearing T-shirts, sweatshirts, sweatpants, clothing with slogans, shorts, blue jeans, (blue jeans are not acceptable but black, tan, khaki or olive jeans are acceptable) novelty buttons, baseball hats, sandals or shoes with open toes (are acceptable with the written stipulation that any injury incurred is at the employees own risk and the Town accepts no responsibility for injuries when injury is the result of wearing sandals). Comfortable shoes which are not slippery and offer good support are encouraged.
  - (2.) Hair makeup and accessories should be worn in accordance with professional attire and appearance.
  - (3.) No visible tattoos
  - (4.) No visible body piercing other than earrings
- b. Employees who do not work in the office, such as Public Works employees, the Harbor Master, or others working outside much of the time should follow basic requirements of safety and comfort and still maintain a neat appearance. Employees must comply with the following standards:
  - (1.) Wearing blue jeans, Dickies, Carharts or other workpants which are clean and without holes.
  - (2.) T-shirts with no offensive logos or graphics.
  - (3.) Steel toed shoes and other safety clothing or accessories as needed for doing the job at hand.
  - (4.) Hair should be neat and clean and facial hair neatly trimmed.
  - (5.) No visible body piercing other than earrings

## **ARTICLE VI-WORK WEEK/OVERTIME**

- A. **WORK WEEK** The regular workweek for payroll purposes begins on Sunday and ends on Saturday midnight. The actual hours for Town employees will be set by the Town Manager. Town office staff will receive one half (1/2) hour paid and one half (1/2) hour unpaid lunch break. Lunches will be taken on a rotating schedule so there is at least one person to wait on the public. Eating lunch at work stations is discouraged.
- B. **TIME SHEET OR TIME CARD** Each employee is responsible for accurate and legible completion and timely submission of their time sheet or timecard weekly. At no time will an employee fill out any portion of another employees' time sheet or time card. All employees must record actual hours of work as well as paid or unpaid leave requests on their time sheets or time cards. The time sheet/card must be completed and submitted to the Town Manager for approval before being submitted to the Bookkeeper. In the event that the Town Manager is absent the Deputy Treasurer will approve time sheets/cards.
- C. **OVERTIME** Employees not exempt from the Fair Labor Standards Act will receive overtime for time worked over forty hours of actual work per week. Employees may agree to earn compensatory time instead of being paid overtime. This agreement will be in writing and signed by the employee and the Town Manager. A copy of the agreement will be put in the employee personnel file. The Town of Tremont feels it is not in the employees' best interest to work overtime on a regular basis and will work with the employees to try to keep work time at or near forty (40) hours whenever possible. To accomplish this, the employee and manager will work out time/hours the employee will take off during the regular work week whenever possible. Compensatory time shall be earned at the rate of one and one-half (1 ½) times the employee's normal rate of pay.

## **ARTICLE VII-ATTENDANCE**

- A. Subject to the rules the following holidays will be paid holidays for full time Town employees. Part time employees will receive their regular pay should a holiday occur on their regularly scheduled workday:
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|------------------|------------------------|
| New Year's Day   | Columbus Day           |
| President's Day  | Thanksgiving           |
| Patriot's Day    | Day after Thanksgiving |
| Memorial Day     | Christmas Day          |
| Independence Day | Day after Christmas    |
| Labor Day        |                        |
- B. If a regular holiday falls on a Sunday, the following Monday is considered a holiday; if on a Saturday, the preceding Friday, unless otherwise regulated by law.

- C. A person on a leave of absence without pay will not be entitled to holiday pay. Holiday pay is considered eight-(8) hour's pay.
- D. When occasion warrants, employees may be required to work whole or part of a holiday. Employees working a holiday will receive straight time pay plus their applicable holiday pay.

#### **ARTICLE VIII-VACATION**

- A. Vacation privileges are available to full-time employees subject to the following conditions. Each full-time employee will earn vacation with pay on the following basis: During the first year and the next consecutive five (5) years of service, he/she is entitled to receive two (2) weeks of vacation per year. After an employee has completed six years of continuous service he/she is entitled to receive three (3) weeks of vacation per year. Additionally one (1) day for each year of employment will accrue beyond six years accumulative to four weeks maximum vacation.
- B. Vacation will be scheduled at such time or times as will be mutually agreeable to the employees and their supervisors. Due consideration will be given to an employees seniority in regard to scheduling vacations. Vacations leave will be ordinarily taken on blocks of one (1) or two (2) week periods, but vacations for a lesser period may be permitted for special reasons with prior approval of the Town Manager.
- C. Employees must take the vacation due to them within two (2) years after the vacation time is earned. Vacation time not taken within two years will be lost. Exceptions to this may be permitted for special reasons with prior approval of the Town Manager.
- D. Vacation leave will accrue from the date of hire as a full-time employee. However, such employees will not receive vacation leave until they have completed their first year of employment by the Town. For the purpose of this section, the first month of an employees service will be counted as a full month of service if employment begins on or before the 15<sup>th</sup> day of the month.
- E. Employees may receive their vacation pay prior to the start of their vacation, but must advise the Town Treasurer in writing, at least ten (10) days in advance.

#### **ARTICLE IX-SICK LEAVE**

- A. Sick leave may be used for personal illness or physical incapacity of such a degree as to render the employee unable to perform the duties of his/her position: or for personal medical or dental appointments; or to care for members of his/her immediate family affected by serious illness.

- B. Sick leave for full-time employees will accrue at the rate of twelve (12) days per year cumulative to a maximum of sixty (60) days. For the purpose of this section, the first month of an employees service will counted as a full month of service if employment begins on or before the 15<sup>th</sup> day of the month.
- C. Full-time employees will be eligible to use sick leave after ninety (90) days of service with the Town.
- D. Sick leave will not be considered as an entitlement which an employee may use at his/her discretion, but will be allowed for the necessity arising from actual sickness or disability of the employee. If requested the employee will furnish the Town with a certificate from his/her attending physician.
- E. Any employee may transfer up to twenty (20) days of their sick time to another Town employee who is terminally ill or has a serious medical condition, but must maintain forty (40) hours of sick time. An employee who is separating from employment with the Town of Tremont may transfer any portion of their accrued sick time to another employee as long as the employee receiving the transferred sick time does not exceed the maximum of sixty (60) days cumulative time.
- F. Sick leave usage will be recorded regularly by the Bookkeeper. The Town Manager will review all sick leave records periodically and will investigate any cases that will indicate abuse of the privilege. Abuse of the sick leave privilege will be cause for discipline. Sick leave will under no circumstance be brought back.

#### **ARTICLE X-HEALTH INSURANCE**

- A. For regular full-time employees or personnel defined as those employees averaging at least (40) hours per week for fifty (50) weeks of the year, the town will pay 100% of the employee's health insurance and 70% of the employee's family.
- B. Part time employees, those employees working less than forty (40) hours per week, are not eligible for health insurance to be paid by the Town. Part time employees working a minimum of 20 hours per week may, however, choose to purchase health insurance on their own at the rate of 100%.

#### **ARTICLE XI-LEAVE OF ABSENCE**

- A. **BEREAVEMENT LEAVE** An employee may be excused from work for up to three (3) work days because of death on his/her immediate family, as outlined below, and will be paid his/her regular rate of pay for the scheduled hours missed. It is intended that this time off be used for the purpose of handling necessary arrangements and attendance at the funeral. For purposes of this article only, immediate family is defined to mean spouse, parents, children, brothers, sisters,

mother-in-law, father-in-law, grandfather, grandmother, and grandchildren. One (1) work day may be granted for attendance at funerals of persons not covered under the above definition.

- B. **LEAVE WITHOUT PAY** A full-time employee may be granted a leave of absence without pay by the Board of Selectmen for a period deemed necessary by the employee for the purpose of the leave. The employee is expected to return to work upon the expiration of a granted leave or to have arranged an extension of a leave, granted at the discretion of the Board of Selectmen. Continued absence without having arranged for an extension of leave may be deemed a resignation from the service. Employees may choose to continue insurance benefits for duration of the leave by assuming the employer contribution. Vacation and sick leave will not continue to accrue during the leave.

## **ARTICLE XII-JURY DUTY**

The Town will pay to an employee called for jury duty the difference between his/her regular pay and juror's pay provided the employee presents an official statement of jury pay received. Employees serving only part of a day will be expected to return to their position for the balance of the workday.

## **ARTICLE XIII-DISCIPLINARY ACTION**

A. Whenever, in the supervisor's judgement, employee performance, attitude, work habits, or personal conduct at any time falls below a suitable level, the supervisor will inform the employee promptly and specifically of such lapses and give counsel and assistance. If appropriate and justified, a reasonable period of time for improvement may be allowed before initiating disciplinary action. In some instances, a specific incident may justify severe disciplinary action to be taken which depends on the seriousness of the incident and the employees past performance and conduct. Regular employees will be disciplined as determined by the Town Manager. Town employees are expected to accept certain responsibilities, follow acceptable business principles in matters of conduct, and exhibit a high degree of integrity at all times. The following examples of impermissible behavior are not intended to be an all inclusive list. At the Town Manager's discretion, any violation of Town policies or any conduct considered inappropriate or unsatisfactory may subject the employee to disciplinary action.

- Possession, sale or use of illegal drugs on Town premises is strictly prohibited and is grounds for immediate dismissal.
- The use of alcohol on Town premises is strictly prohibited and is grounds for immediate dismissal.
- Failure to wear assigned safety equipment or failing to abide by the Town's safety rules and regulations.
- Falsifying or altering employment records, Town records, time records, or medical reports.
- The use of obscene language
- Disregard for safety regulations

- Insubordination
- Failing to maintain confidentiality of the Town, customers or employee information.
- Unauthorized possession of firearms on Town premises or while on Town business.
- Theft of property from the Town, coworkers, or customers.
- Violating the town's anti-harassment policy.
- Excessive absenteeism or tardiness.
- The use of abusive, intimidating, threatening language or gestures.
- Fighting or assault.
- Wearing inappropriate attire.
- Playing pranks or engaging in horseplay
- Gambling on Town property.
- Unprofessional conduct around customers, coworkers and visitors.

B. Should an employee's performance, work habits, overall attitude, conduct or demeanor become unsatisfactory based on violations either of the above or any other Town policies, rules or regulations, the employee will be subject to disciplinary action, up to and including termination. Before or during imposition of any discipline, employees may be given an opportunity to relate their version of the incident or problem at issue and provide any explanation or justification they consider relevant. Where appropriate, a policy of progressive employee discipline will be followed.

1. **VERBAL WARNING** This is an oral warning to employees that their conduct or performance is unsatisfactory. It is intended to be corrective and/or cautionary. A verbal warning defines the area of needed improvement and informs the employee that failure to improve may result in more serious actions. In cases involving performance deficiencies, employees first may be counseled by the Town Manager and told which improvements are needed before the employee is subject to oral reprimand.

2. **WRITTEN WARNING** This is the first level of formal discipline. The written warning shall contain a statement of the cause for the action, improvement or corrective action required of the employee, time frames for such action, and possible results of employee's failure to comply. Employees will sign an acknowledgement of receipt of the written warning. An employee receiving a written warning may respond to that action and a copy of the response shall be attached to the written warning. Employees may receive a copy of the written warning, acknowledgement, and response. The originals will be placed in the employee's personnel file.

3. **SUSPENSION** The length of suspension will vary, based on such factors as the severity of the infraction and the employee's performance and disciplinary record. Employees may be suspended for repeated instances of minor misconduct, or for a single serious offense. A record of the suspension will be retained in the employee's personnel file.

4. **TERMINATION** Employees who fail to improve their conduct or performance after imposition of a disciplinary suspension may be discharged. Employees may also be discharged immediately depending on the severity and specifics of each case.



Notwithstanding the foregoing progressive disciplinary procedure policy, the Town of Tremont reserves the right to administer discipline in such a manner as deemed appropriate to the circumstances, and may, in its sole discretion, eliminate any or all of the steps in the progressive discipline procedure.

D. Appeal. An employee who feels that he/she has been treated unfairly will have access to the grievance procedure as outlined in these rules and regulations.

#### **ARTICLE XIV-SEPARATION**

Lay-off. The employee may be laid off at any time, without recourse to the grievance procedures, by the Town Manager, for lack of work, elimination of the position or lack of funds. All employees must be furnished a statement, in writing, setting forth the reasons for the lay-off.

#### **ARTICLE XV-GRIEVANCE PROCEDURES**

Should an employee feel aggrieved concerning the interpretation, meaning or application by the Town of any provisions of the Town's personnel rules, regulation policies or terms of employment, within five (5) working days from the incident, he/she will submit the details of such grievance in writing to the Board of Selectmen.

Within seven (7) working days thereafter, the board of Selectmen will meet with the employee for the purpose of discussing the grievance and the Board of Selectmen will render their final written decision within thirty (30) working days after said meeting.

#### **ARTICLE XVI-POLITICAL ACTIVITY**

While performing their normal work duties, employees will refrain from seeking or accepting nomination or election to any office in the Town government. This rule is not to be constructed to prevent Town employees from becoming, or continuing to be, members of any political organization, from expressing their views on political matters, or from voting with complete freedom in any election.

#### **ARTICLE XVII-RESIGNATION**

All employees resigning from service of the Town will give a written two-week notice.

#### **ARTICLE XVIII-POLICY ON HARASSMENT**

It is the policy of the Town that all employees should be able to work in an environment free from all forms of harassment. Harassment, both sexual and verbal, is prohibited. This policy refers not only to supervisor-subordinate actions

Personnel Policy Amended Selectmen's Meeting 06/21/04

but also to actions between co-workers. Any complaints of harassment will be investigated promptly. There will be no intimidation, discrimination or retaliation against any employee who makes a report of harassment.

The Personnel Policy described above, adopted and implemented this 21<sup>st</sup> day of June 2004.

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Alden Gray, Chairman

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Steve Harper

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Scott Greirson

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Dean Tozier

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Charlie Dillon